

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, February 9, 1961

February 9, 1961

City Hall

Lansing, Michigan

The meeting was called to order by the chairman, William E. Rasmusson, February 9, 1961, at 7:30 P.M.

### ROLL CALL

Present—Messrs. Gadaletto, Goldstein, Mrs. Houck, Kelley, Mutz, Obrecht, Petroff, Rasmusson (8).

Absent—None.

The minutes of the regular meeting of December 8, 1961, were approved.

An appeal by Samuel Boase to convert an open front porch into an enclosed front porch extending beyond established set-back line but not further than present open front porch, ordinance not permitting building beyond established set-back line at 2419 Maplewood, was considered. The petitioner was present, there were no objections.

It was moved by Obrecht, supported by Mutz, that the appeal be granted, providing adequate footing, as determined by the Building Commissioner, is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Jim Blackburn to erect a new home reducing rear yard from 30 feet to 12 feet, ordinance requiring 30 foot rear yard at 2804 Woodview Drive was considered. The petitioner was represented by Mr. Forgraves who explained that if a detached garage was placed on this property the rear yard could be reduced to an even greater extent and that it is his belief that if this appeal were granted that the house would be an asset to the neighborhood. Mr. Fred Loudenslager, 2410 Rossiter; Mr. James Curran, 2402 Rossiter; Mrs. A. W. Carr, 2421 Rossiter; and Mrs. John Petroff, 2810 Woodview; all opposed the granting

of this appeal on the basis that if this appeal were granted that others also might be granted in this area which would reduce the open areas and reduce their property values. Mr. Forgraves then asked to withdraw the appeal in view of the opposition of the neighbors.

It was moved by Kelley, supported by Houck, that the appeal be denied because of no further interest by the petitioner.

Mr. Petroff disqualified himself from voting.

Motion carried.

An appeal by Sterk & Vogel to erect a new building to one foot from rear property line, ordinance requiring 25 foot rear yard area in the 3100 block of South Cedar Street, was considered. The petitioner was not present. Mr. and Mrs. R. B. Jack, Jr., 3132 Ellen Street, stated that their property abuts the property in question and that a retaining wall would destroy the screening now erected on their property line and would damage their property values. They also called attention to the sewer which now lies in the open area and would be covered with fill and that drainage from this property would further damage their property.

It was moved by Kelley, supported by Petroff, that the appeal be not granted because of neighborhood objection.

Motion carried.

An appeal by Carl Scholfield to convert an open front porch into an enclosed front porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1714 Ray Street, was considered. The petitioner was not present, there were no objections.

It was moved by Obrecht, supported by Mutz, that the appeal be granted, providing adequate footing, as determined by the Building Commissioner, is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

The Secretary reported that Louis Fortino wishes to withdraw his appeal to erect a combined house and store building, this property is presently zoned "C" Two Family Residence and is used as non-conforming "F" Commercial. The building is a combination store and home, the home portion is to be removed and the store enlarged and remodeled at 2715 Fernwood.

It was moved by Petroff, supported by Houck, that the appeal be denied because of no further interest of the petitioner.

Motion carried.

Mr. Jack Shanker asked to be heard further on his appeal to erect a new building reducing north front yard from 16 feet to 6 feet and rear yard from 15 feet to 1 foot, ordinance not permitting building beyond established set-back line and 15 foot rear yard at the S.E. corner of S. Cedar and Tisdale Streets, which was denied at the last meeting.

It was moved by Petroff, supported by Houck, that the appeal be reconsidered.

Motion carried.

Mr. Shanker then stated that he has an option on property at the rear which could provide additional open space. The advisability of a petition for rezoning of this property for Mr. Shanker was discussed.

It was then moved by Mutz, supported by Obrecht, that no further action be taken on this appeal and that the action on December 8, 1960, stand.

Motion carried.

The meeting adjourned at 9:07 P.M.

VICTOR G. LEYRER,  
Secretary.

B/C

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, April 13, 1961

April 13, 1961  
City Hall  
Lansing, Michigan

The meeting was called to order by the Chairman, William E. Rasmusson, April 13, 1961, at 7:30 P.M.

### ROLL CALL

Present—Messrs. Gadaletto, Goldstein, Mrs. Houck, Kelley, Mutz, Obrecht, Petroff, Rasmusson—8.

Absent—None.

The minutes of the regular meeting of February 9, 1961, were approved.

An appeal by Helen Reeves to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1556 Roosevelt Street, was considered. The petitioner was not present, there were no objections.

It was moved by Petroff, supported by Goldstein, that the appeal be granted, providing adequate footing, as determined by the Building Commissioner, is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Anona E. Beebe, Sr., to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 601 Seymour, was considered. The petitioner was present and stated that there would be no change in the roof line. There were no objections.

It was moved by Petroff, supported by Goldstein, that the appeal be granted providing adequate footing, as determined by the Building Commissioner, is provided under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Raymond and Bertha Huby to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 331 N. Magnolia Avenue, was considered. The petitioner was present and stated that there would be no change in the roof line. There were no objections.

It was moved by Petroff, supported by Goldstein, that the appeal be granted providing adequate footing, as determined by the Building Commissioner, is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Harold Walters to erect an eleven unit apartment building on 10,600 sq. feet of area, ordinance requiring 1000 square feet of lot area per unit at 420 W. Ottawa Street, was considered. The petitioner was present and showed floor plans of the proposed building together with plot plans showing more than 12 parking spaces. He also stated that the extra space would be lost since there would be no change in the exterior of the building if the appeal were granted. He again pointed out that the required lot area is short less than  $\frac{1}{2}$  of that required for one unit. There were no objections.

It was moved by Gadaletto, supported by Kelley, that the appeal be granted under (7), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Lloyd Egleston to alter a living room to extend beyond established set back line but no further than present open porch, ordinance not permitting building beyond established set-back line at 1621 Osband, was considered. The petitioner was present and stated that there would be no change in the roof line and that the foundation would be brought out to the front. There were no objections.

It was moved by Obrecht, supported by Petroff, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by James L. Fineis to erect an addition to rear of house reducing south side yard to 1.85 feet, ordinance requiring 3 foot side yard at 1415 High Street (North), was considered. The petitioner was present and stated that the same roof line would be used. Mr. Donald Cushion, 15239 Pinehurst Drive, stated that he owns the house to the south and has no objection to the addition. There were no other objections.

It was moved by Petroff, supported by Mutz, that the appeal be granted, subject to compliance with the State Housing Code, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty and provide needed bedroom space.

Motion carried.

An appeal by Carl M. Bessert to erect an addition to rear of house to 22 feet of rear property line, ordinance requiring 25

foot rear yard at 1034 Parker, was considered. The petitioner was present and explained the floor plan.

It was moved by Mutz, supported by Houck, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Leo A. Farhat to alter front porch into living room to extend beyond established set-back line but no further than present front porch, ordinance not permitting building beyond established set-back line at 514 W. Jefferson, was considered. The petitioner was present, there were no objections.

It was moved by Kelley, supported by Gdaleto, that the appeal be granted providing adequate footing, as determined by the Building Commissioner, is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

It was moved by Houck, supported by Mutz, that a letter be sent to the City Council recommending that no further action be taken on the letter of the American Red Cross since no further interest has been shown.

Motion carried.

The meeting adjourned at 8:55 P.M.

VICTOR G. LEYER, Secretary.

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## OFFICIAL PROCEEDINGS OF BOARD OF ELECTRICAL EXAMINERS OF THE CITY OF LANSING

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Proceedings, April 18, 1961

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Members Present—Chairman C. J. Richards and Inspector Donald E. Deal.

Mr. Norris and Mr. Moore were excused.

A quorum not being present, no meeting

was held.

Respectfully submitted,

DONALD E. DEAL,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, May 11, 1961

May 11, 1961

City Hall

Lansing, Michigan

The meeting was called to order by the Chairman, William E. Rasmusson, May 11, 1961, at 7:30 P.M.

### ROLL CALL

Present—Messrs. Gadaletto, Goldstein, Mrs. Houck, Kelley, Mutz, Obrecht, Rasmusson, Petroff—8.

Absent—None.

The minutes of the regular meeting of April 13, 1961, were approved.

An appeal by Lendon Keith to erect an addition to side of house to 3 feet from property line, ordinance requiring 5 feet side yard area at 4515 Ballard Road, was considered. The petitioner was present, there were no objections. It was moved by Mutz, supported by Petroff, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty and provide adequate living room.

Motion carried.

An appeal by Austin L. Price to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1228

East Hazel Street, was considered. The petitioner was present and stated that the porch will remain the same as it is now and that he wants to add aluminum storm windows. There were no objections. It was moved by Obrecht, supported by Houck, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

An appeal by Vernon E. Hall to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1225 New York Avenue, was considered. The petitioner was present and stated that the porch will extend only 1 foot 4 inches beyond the set-back line. There were no objections. It was moved by Obrecht, supported by Houck, that the appeal be granted providing adequate footing as determined by the Building Commissioner, is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried.

The meeting adjourned at 7:50.

VICTOR G. LEYRER,  
Secretary.

B/C



# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, June 8, 1961

June 8, 1961

City Hall

Lansing, Michigan

The meeting was called to order by Chairman William E. Rasmusson, June 8, 1961, at 7:30 P.M.

### ROLL CALL

Present: Messrs. Goldstein, Kelley, Mutz, Obrecht, Petroff, Rasmusson (6).

Absent: Mr. Gadaletto, Mrs. Houck (2).

The minutes of the regular meeting of May 11, 1961, were approved.

An appeal by Earl Beach to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 5132 Bogart Street, was considered.

The petitioner was present. There were no objections.

It was moved by Goldstein, supported by Kelley, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 6 yeas and 0 nay vote.

An appeal by Flora Brice to convert an open front porch into a glass enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1128 Dakin Street, was considered.

The petitioner was present.

Clyde Stoner, 911 Dakin Street, stated the petitioner did not know the building

permit was required before she started work on this enclosure.

Joseph Fine, owner of property in the area stated that neighbors are in favor of the appeal.

There were no objections.

It was moved by Goldstein, supported by Kelley, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 6 yeas and 0 nay vote.

An appeal by David C. Burkert to convert an open porch (front) into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 540 Kendon Drive, was considered.

It was moved by Goldstein, supported by Kelley, that the appeal be granted, providing adequate footing as determined by the Building Commissioner is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 6 yeas and 0 nay vote.

An appeal by Lorraine White to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1206 E. High Street was considered.

The petitioner was present.

Mr. Jersey, Contractor, stated that the porch is partially built up.

Mr. Fine, representing his sister who lives in the area, stated there were no objections. There were no other objections.

It was moved by Goldstein, supported by Kelley, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 6 yea and 0 nay vote.

Jack Shanker appeared before the Board to ask for reconsideration of his appeal to erect a new building reducing north front yard from 16 feet to 6 feet and rear yard from 15 feet to 1 foot, ordinance not permitting building beyond established set-back line at the southeast corner of S. Cedar Street and Tisdale Street, explaining that the Planning Board had rezoned to "J" Parking District the adjoining lot and that circumstances of purchase of this property make it impossible to move the house and therefore a building permit cannot be issued for a building to the "J" Parking area.

It was moved by Kelley, supported by Petroff, that all previous action on this appeal be rescinded.

Motion carried by a 6 yea and 0 nay vote.

It was moved by Kelley, supported by Petroff, that the appeal be reconsidered.

Motion carried by a 6 yea and 0 nay vote.

It was moved by Kelley, supported by Petroff, that the appeal by Lewis and Jack Shanker to erect a new building reducing north front yard from 16 feet to 6 feet and rear yard from 15 feet to 1 foot, ordinance not permitting building beyond established set-back line and 15 feet rear yard at 2413 S. Cedar Street, be granted subject to the owner restricting any conveyance of the "J" Parking area except on the removal of the house and that evidence of such recording be submitted to the Building Inspector before issuance of a Building Permit, under (7), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty until house can be removed from the "J" Parking area.

Motion carried by a 6 yea and 0 nay vote.

The meeting adjourned at 8:40 P.M.

VICTOR G. LEYERER,  
Secretary.

C/S

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, July 13, 1961

The meeting was called to order by the Vice Chairman. John Petroff, July 13, 1961, at 7:30 P.M.

### ROLL CALL

Present: Messrs. Goldstein, Mrs. Houck, Jones, Kelley, Mutz, Pemberton, Petroff (7)

Absent: Mr. Rasmusson.

The minutes of the regular meeting of June 8, 1961, were approved.

It was moved by Kelley, supported by Goldstein, that John Petroff be elected as Chairman for the term of one year.

Motion carried.

It was moved by Kelley, supported by Jones, that Morris Goldstein be elected as Vice Chairman for the term of one year.

Motion carried.

It was moved by Houck, supported by Goldstein, that Victor G. Leyrer be elected as Secretary for the term of one year.

Motion carried.

A petition by Ralph Perna to alter a non-conforming grocery store, ordinance not allowing the alteration of a non-conforming use at 424 W. Willow Street, was considered.

The petitioner was present and was represented by Charles R. Styles, Attorney. Mr. Styles presented pictures of the property, both inside and outside, and explained the sketches showing the proposed addition to the building and stated that the open area would be black topped for parking. He also cited the jurisdiction of the Board of Appeals from the ordinance.

Messrs. Howard Rather, 1231 N. Walnut Street; Carl Gilligerten, 408 W. Willow Street; and Howard and Yvonne Martin, 1225 N. Chestnut Street; stated that they believe the addition will not seriously affect the surrounding residential properties.

Mr. Russell Lawler, attorney, represented 11 people in the area and presented a petition signed by 47 people protesting the granting of the appeal. He cited the congestion on the street by the parking of trucks and etc. He also pointed out that Mr. Perna bought this property in December of 1960, knowing that it was residentially zoned. He stated that it is the belief of his clients that the increase in the size of the store will increase the parking problem, that the extension would block off the window of the house to the east, and that the area is residential in character. He also stated that in his opinion there is no hardship for the Board to consider since the hardship appeal is based only on the physical condition of the appellant.

Mr. Styles stated that he does not believe that the business will increase and that it is his opinion that the Board of Appeals is created to permit a change of use if a zoning change is denied.

Mr. Kelley pointed out that a physical hardship is not within the jurisdiction of this Board for relief.

It was moved by Goldstein, supported by Jones that the petition be tabled for 30 days and the Secretary instructed to get an opinion from the City Attorney as to the Board's authority in this case regarding hardship.

Motion carried.

An appeal by Harry E. Newell to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1608 Boston Blvd., was considered. The petitioner was present. There were no objections.

It was moved by Goldstein, supported by Kelley, that the appeals be granted providing adequate footing as determined by the Building Commissioner is provided under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yea and 0 nay vote.



An appeal by the Board of Education to erect an addition reducing front yard on Genesee Street from 20 feet to 10 feet, ordinance requiring a 20 foot front yard at 835 W. Genesee Street, was considered.

Mr. Charles Updyke, Architect, represented the Board of Education and explained the drawings and sketches for the addition.

Mr. Philip Alber, 732 W. Genesee, stated that he had no objections and had talked with two neighbors to the east who also have no objections.

It was moved by Goldstein, supported by Pemberton, that the petition be tabled to arrange a joint meeting with the Board of Education for more information.

Motion carried.

An appeal by Leon Simmons to erect an addition to side of house reducing north portion of rear yard to 8 feet, ordinance requiring 25 foot rear yard at 1125 N. Walnut Street, was considered.

The petitioner was present and stated that he needs bedroom downstairs and can not build to the rear because of a cement garage in the back yard.

There were no objections.

It was moved by Huock, supported by Mutz, that the appeal be granted under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty due to the irregular shape of the lot.

Motion carried by a 7 yea and 0 nay vote.

An appeal by Robert L. Ford to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front

porch, ordinance not permitting building beyond established set-back line at 604 N. Magnolia Avenue, was considered.

The petitioner was present and stated that he would put in a cement porch and would like to put in glass as well as screens.

There were no objections.

It was moved by Goldstein, supported by Mutz, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yea and 0 nay vote.

An appeal by Evora Perrin to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 211 W. Lapeer Street, was considered.

Mr. Anona Beebe representing his sister, the petitioner, stated there would be no change in the sides or the roof line.

There were no objections.

It was moved by Goldstein, supported by Mutz, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yea and 0 nay vote.

The meeting adjourned at 10:00 P.M.

VICTOR G. LEYERER,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, July 19, 1961

July 19, 1961

City Hall

Lansing, Michigan

The special meeting of the Board of Appeals was called to order at 1:00 P.M. by Chairman John Petroff.

### ROLL CALL

Present: Messrs. Goldstein, Mrs. Houck, Jones, Kelley, Mutz, Pemberton, Petroff (7)

Absent: Mr. Rasmusson (1).

Chairman Petroff announced that the special meeting had been called to consider the appeal by the Board of Education to erect an addition reducing the front yard on Genesee Street from 20 feet to 10 feet, the ordinance requiring a 20 foot set-back at 835 W. Genesee Street, this appeal having been tabled at the last meeting until a meeting could be arranged with the Board of Education.

The Board discussed the information obtained during the informal meeting with

the Board of Education prior to this meeting, during which it was pointed out that under today's conditions an all-purpose room is of great importance to the school and that the location of this room had to be based on the location of the present school building and the openings in the building. It was also pointed out that, in spite of considerable expenditure for the acquisition of property near the school, the play area is still considerably below the standards for play areas in connection with a school and that it is important to preserve as much open area as possible for play ground to be used by a growing school population.

There were no objections at the public hearing on this matter.

It was moved by Goldstein, supported by Kelley, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty due to location of the present building and its openings and the limited play ground area.

Motion carried by a 7 yea and 0 nay vote.

The meeting adjourned at 1:30 P.M.

VICTOR G. LEYRER,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, August 10, 1961

The meeting was called to order by the Chairman, John Petroff, August 10, 1961, at 7:30 p.m.

difficulty by providing adequate bathroom space.

Motion carried by an 8 yea and 0 nay vote.

### ROLL CALL

Present: Messrs. Goldstein, Mrs. Houck, Jones, Kelley, Mutz, Pemberton, Petroff, Rasmusson (8).

Absent: None.

The minutes of the regular meeting of July 13, 1961, and the special meeting of July 19, 1961, were approved.

An appeal by Walter Neller Company to erect a new house reducing rear yard from 30 feet to 13 feet, ordinance requiring a 30 foot rear yard at the S. E. corner of Hampshire Road and Hampshire Circle, was considered. Mr. Walter Neller appeared before the Board and stated that the houses on the corner lots at this location should face north and that there will be a 30 foot yard to the south to assure the same open space as required by the ordinance. He stated that this will be a definite improvement to the subdivision.

There were no objections.

An appeal by Lloyd Perkins to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 211 N. Foster Street, was considered. The petitioner was present, there were no objections.

It was moved by Kelley, supported by Mutz, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty due to the shape of the lot.

Motion carried by an 8 yea and 0 nay vote.

It was moved by Goldstein, supported by Pemberton, that the appeal be granted providing adequate footings as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by an 8 yea and 0 nay vote.

A letter from the City Attorney regarding the Board's authority in connection with the tabled appeal by Mr. Ralph Perna to alter a non-conforming grocery store, ordinance not allowing alteration of a non-conforming use at 424 W. Willow Street, was read. After considerable discussion, it was moved by Mutz, supported by Rasmusson, that the appeal be denied because of the opinion of the City Attorney, that the Board does not have authority to grant the appeal as requested.

Motion carried by an 8 yea and 0 nay vote.

An appeal by Guy Hill to erect an addition to house reducing front side yard on Ellen Avenue from 18 feet to 15 feet, ordinance, requiring 25 foot front yard area at 516 S. Dexter, was considered. The petitioner was present, there were no objections.

The meeting adjourned at 9:30 p.m.

It was moved by Kelley, supported by Rasmusson, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, on condition that the Building Inspector approve the roof line on an aesthetic basis, to relieve a practical

VICTOR G. LEYRER,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, September 14, 1961

September 14, 1961

City Hall

Lansing, Michigan

The meeting was called to order by the Chairman, John Petroff, September 14, 1961, at 7:30 P.M.

### ROLL CALL

Present—Messrs. Goldstein, Mrs. Houck, Jones, Kelley, Mutz, Pemberton, Petroff, Rasmusson—8.

Absent—None.

The minutes of the regular meeting of August 10, 1961, were approved.

A letter from the representative of the appellant stating that Beatrice McClernan does not desire any approval of her appeal to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open porch at 803 N. Magnolia Avenue, was read.

It was moved by Mutz, supported by Rasmusson, that the appeal be not granted because of no further interest.

Adopted by an 8 yea and 0 nay vote.

An appeal by Robert Smith to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 736 Cawood Street, was considered. The petitioner was present and stated that it is his desire to remove the present front wall of the house to enlarge the front bedroom. There were no objections. The Board discussed its policy of enclosing front porches for front porch use only.

It was moved by Goldstein, supported by Pemberton, that the appeal be granted, providing adequate footing as determined by the Building Commissioner is provided, under (6), Section 36-12 of the Lansing Zoning Ordinance, but not to remove the

front wall of the house for the enlargement of a room, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by a 7 yea and 1 nay vote.

An appeal by Jack Friar to erect an addition to rear of house which is attached to non-conforming use, ordinance not allowing alterations to non-conforming uses at 607 S. Magnolia Avenue, was considered. The petitioner was present, there were no objections. R. W. Cartwright, 619 S. Magnolia, stated that he was in favor of the granting of the appeal. It was pointed out that the addition has already been constructed without a building permit but has not been finished on the inside.

It was moved by Kelley, supported by Mutz, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, inasmuch as the extension is not to the non-conforming use and would not therefore seem to be contrary to the spirit of the Zoning Ordinance.

Adopted by an 8 yea and 0 nay vote.

An appeal by Edward Augenstein to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 2401 Forest Avenue, was considered. The petitioner was present, there were no objections.

It was moved by Rasmusson, supported by Houck, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by an 8 yea and 0 nay vote.

An appeal by Ralph Myers to erect a new garage reducing north side yard to 3 feet, ordinance requiring 10% of the average width of the lot for side yard at 4921 Bufalo Street, was considered. The petitioner

was present, there were no objections. The petitioner pointed out that the slab for the garage had been poured according to township regulations and that it is not his intention for sometime to connect the house to the garage.

It was moved by Goldstein, supported by Jones, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty caused by the start of this building in accordance with township regulations before annexation.

Adopted by an 8 yea and 0 nay vote.

A petition by Murray Vinnik to erect an addition reducing side yard from three feet to 6 inches in compliance with State Housing Law and using a solid masonry wall, ordinance requiring side yard to be 10% of the width of the lot or a minimum of 3 feet on this lot at 116 Bingham Street, was considered. The petitioner was present and explained his plans pointing out that the present building is already 6 inches from the property line and that this enclosure is at the rear of the building in an open area. He also requested that the permitted depth of the building be changed from 16 feet to 18 feet. There were no objections. It was pointed out that this property has a large rear yard.

It was moved by Goldstein, supported by Pemberton, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty due to no other practical space for the addition.

Adopted by an 8 yea and 0 nay vote.

A petition by Lou Coomes to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 2621 N. East Street, was considered. The petitioner was present and was represented by his architect, Bruce Hartwick, who explained the plans pointing out that if the enclosure against the weather is made inside of the building that a severe safety hazard would exist and that the inside stairway already exists and cannot practically be moved. There were no objections.

It was moved by Jones, supported by Houck, that the appeal be granted under

(6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty and prevent safety hazards which would be caused by shutting of the stairway.

Adopted by a 7 yea and 1 nay vote.

An appeal by H. G. Newth to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1001 N. Logan Street, was considered. The petitioner was present. There were no objections. It was pointed out that there is a sign on the front of the property indicating the possibility of a business being carried on at this location.

It was moved by Mutz, supported by Kelley, that the appeal be tabled to investigate use on the property.

Motion carried.

An appeal by Leonard Refineries to erect a new gas station reducing rear yard from 25 feet to 12 feet, ordinance requiring 25 foot rear yard area at 6825 S. Cedar Street, was considered. Lloyd Smith of Leonard Refineries was present and explained the plans. Mr. Romaine Hicks, representing the adjoining property owners, stated that they have no objections. Mr. Silkworth, owner of property at 6830 and 6841 S. Cedar Street, stated that he has no objections. Mr. Smith pointed out that the type of building they desire to build, which permits drive through the service area, is a new concept in gas station construction. He stated that this would be the reason for not turning the building. It was suggested that adequate land would be available to the rear to provide the necessary rear yard.

It was moved by Jones, supported by Kelley, that the appeal be not granted because no hardship was shown.

Adopted by a 7 yea and 1 nay vote.

The meeting adjourned at 9:50 P.M.

VICTOR G. LEYRER,  
Secretary.



# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, October 12, 1961

The meeting was called to order by the Chairman, John Petroff, October 12, 1961, at 7:30 P.M.

### ROLL CALL

Present: Messrs. Goldstein, Mrs. Houck, Jones, Kelley, Mutz, Petroff, Rasmusson (7).

Absent: None.

The minutes of the regular meeting of September 14, 1961, were approved.

An appeal by Joseph Kujawa to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line nor permitting alterations to non-conforming uses at 1114 Aldorf Street was considered. The petitioner was present, there were no objections.

It was moved by Mutz, supported by Rasmusson, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yea and 0 nay vote.

An appeal by Joseph Smieska to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch at 1123 Goodrich Street, ordinance not permitting building beyond established set-back line at 1123 Goodrich Street, was considered.

The petitioner was present, there were no objections.

It was moved by Mutz, supported by Rasmusson, that the appeal be granted providing adequate footing as determined by the Building Commissioner is provided, under (6), Section 36-12 of the Lansing Zoning

Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yea and 0 nay vote.

An appeal by Lloyd Bush to erect an addition reducing front yard from 30 feet to 13 feet 9 inches and the east side yard from 14 feet to 4 feet, ordinance requiring 20 foot front yard and 10% of the width of the lot side yard requirements at 520 E. Mt. Hope Avenue, was considered.

Mr. Victor Anderson represented the petitioner and presented a drawing and photographs of the property and the proposed addition. He stated that the driveway on the east is not being used and the appeal should read to reduce the front yard from 30 feet to 15 feet instead of 13 feet 9 inches.

There were no objections.

It was moved by Goldstein, supported by Jones, that the appeal be granted under (6) Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty and permit the necessary expansion of the business.

Motion carried by a 7 yea and 0 nay vote.

An appeal by Gabriel DiFiore to erect an addition to front of house reducing front yard area from 22 feet to 14 feet, ordinance requiring 20 foot front yard at 1421 Congress Street, was considered.

The petitioner was present and stated that the same type of reduction of front yard has been granted at 1426 Sheldon St., 1213 Maryland, and at Maryland and Congress Streets. He stated that the house has 4 rooms and bath down with 1 bedroom up. It has an 11 by 15 living room but no eating space, also that part of the living room will be a dining area and the addition will be a part of the living room.

There were no objections.

It was moved by Jones, supported by Houck, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty

by providing adequate living area as it will not adversely affect the adjoining properties.

Motion carried by a 7 yeas and 0 nay vote.

It was moved by Goldstein, supported by Jones, that the tabled appeal of H. G. Newth to convert an open front porch into an enclosed front porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 1001 N. Logan Street, be considered at this time.

Motion carried.

It was reported that no business exists at this address.

It was moved by Goldstein, supported by Jones, that the appeal be granted under (6) Section 36-12 of the Lansing Zoning Ordinance to convert an open front porch into a glass and screened enclosed front porch, providing adequate footing as determined by the Building Commissioner is provided under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by a 7 yeas and 0 nay vote.

A re-hearing on the appeal by Ralph Perna to alter a non-conforming grocery store at 424 W. Willow Street was held.

Attorney Charles R. Styles, representing the petitioner, presented an artist's sketch and architect's drawings of the proposed addition and stated that the appellant suffered a rupture "a couple of years ago," underwent surgery by Doctor Wellman in the spring of 1959 which has not completely healed yet, rendering him unable to carry beer from the basement of the store in the existing building and that the requested addition is to serve as a storage space for beer. He stated that the appellant has occupied the premises since 1955 as a renter until December 1960 when he purchased the property on a land contract.

He also stated that there is no room for an elevator to be constructed and he does not believe that the business would necessarily be increased by reason of the additional construction.

He pointed out that a shopping center is to be constructed within two blocks of the property in question and that the area is losing its residential character.

In citing a court decision as to the authority of the Board of Appeals he stated

that the hardship the appellant claimed is the physical disability of the appellant and the condition of the present stairway in the store and requested an addition to the building of whatever size the Board of Appeals may see fit to grant.

Attorney Russell Lawler representing 47 neighborhood objectors presented petitions of objection signed by the 47 neighbors. He stated that there is nothing unusual about the size and shape of the lot and cited a court case which stated that the tests to be applied by a Board of Appeals to grant relief where hardship is claimed are:

1. Will property yield a reasonable return if used within present zoning restriction?

2. Is the hardship unique to this property and not a general condition common to the neighborhood?

3. Will the variation alter the essential character of the neighborhood?

Attorney Lawler stated that the zoning ordinance might conceivably be completely circumvented if a person chooses to transfer property to a disabled person who would then apply for variation based on his disability.

He stated that this is a good residential neighborhood with no other commercial use within a two block radius, that the store has been of its present size and condition for many years, that the appellant has previously been denied the rezoning of this property and that this Board should not nullify this denial by granting the appeal. He pointed out that the addition to this building would adversely affect the neighborhood and traffic conditions and pointed particularly to the damage to the neighbor's homes on the north and on the east.

In answer to the Board's questions and to the height of the proposed structure the appellant stated that he was unable to give the exact height or the approximate cost of the structure as originally requested. He also stated that an additional employee to solve this problem would not be satisfactory.

All Board members stated they had examined the premises and the neighborhood and were familiar with the physical facts affecting the area.

The Secretary voluntarily absented himself from the deliberation of the Board because of objections voiced by the appellant's attorney.

It was moved by Kelley, supported by Goldstein, that this appeal be re-considered by the Board based on the evidence presented at this re-hearing.

Mrs. Houck not having been present at

the re-hearing disqualified herself from voting on this case.

Motion carried by a 6 yea and 0 nay vote.

Upon basis of the evidence and the arguments briefly summarized it was moved by Rasmussen, supported by Mutz, that the appeal be denied, because no unnecessary

hardship within the meaning of the zoning ordinance has been shown.

Motion carried by a 6 yea and 0 nay vote.

The meeting adjourned at 10:10 P.M.

VICTOR G. LEYRER ,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE POLICE AND FIRE BOARD OF THE CITY OF LANSING

## Proceedings, October 12, 1961

The Board met in regular session and was called to order by Chairman Henry W. Noack.

### ROLL CALL

Present: Commissioners Anderton, Bos, Lanning, Noack, and Shewell—5.

Absent: Commissioners, Ames, Mahoney, Smith—3.

They were excused from attending the meeting by Chairman Noack.

Councilman Preuss and Mayor Bowerman also attended the meeting.

The minutes of the previous meeting were approved as printed.

### COMMUNICATIONS

Communication received from the City Council Committee on Personnel, pertaining to the request of the Fire Fighters Local 421 and the adoption of a resolution under the provisions of the Michigan Labor Mediation Act.

Received and placed on file.

Communication received from the Michigan Jewelers Association thanking the police department for their assistance and cooperation during their show at the Jack Tar Hotel September 30 and October 1st.

Received and placed on file.

Communication received from the Chamber of Commerce of Greater Lansing, pertaining to their "Ambassador" program, and the appointment of Captain George Warner of the Greater Lansing Special Police and Mr. D. D. Harris as liaison officers.

Received and placed on file.

Communication received from the Greater Lansing Special Police Agency, thanking the police department for the assistance given at the seating of the Constitutional Convention at the Lansing Civic Center.

Received and placed on file.

October 12, 1961.

Police and Fire Board

City of Lansing

Gentlemen:

Your committee on men and discipline met on September 25th to interview applicants for the position of patrolman in the ranks of the police department.

The following men were selected to report for school training on October 9, providing they passed satisfactory physical examinations.

John Baylis	Daniel Koonter
Kenneth Craig	James Opperman
Leroy Fladseth	Richard Pulford
Clement Hufnagel	Osler Rowe
Wayne Kinney	Gene White
Lauren Winsor	



# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, December 14, 1961

December 14, 1961

City Hall

Lansing, Michigan

The meeting was called to order by the Chairman, John Petroff, December 14, 1961, at 7:30 P.M.

### ROLL CALL

Present: Messrs. English, Goldstein, Mrs. Houck, Kelley, Mutz, Petroff, Rasmusson—7.

Absent: Mr. Jones—1.

The minutes of the regular meeting of October 12, 1961, were approved.

An appeal by Raymond Liepkalns to erect a building reducing front yard from 8½ feet to 0 feet, ordinance not permitting building beyond established set-back line at 122 W. South Street, was considered.

The petitioner was represented by his daughter, Mrs. Spielberg, 412 W. Grand River Road, Okemos, who presented plot plan showing the proposed size of the building to be changed to 33 feet front and 65 feet depth to provide for adequate off-street parking and stated that the reduction in set-back is needed to provide for 10 units which is required to obtain financing.

Mrs. Ida Thomas, 118 South Street, Mrs. Edna Jakeway, 116 W. South Street and Mrs. Ellsey, 125 Cottage Avenue were concerned about the location of the building and whether it would shut out the light from the adjoining residences.

It was moved by Kelley, supported by Rasmusson, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty due to the topography of the lot as it will not adversely affect the neighborhood since the lot is located near the end of the street.

Motion carried by unanimous vote.

An appeal by Percy Gibbs to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 2324 N. East Street, was considered.

The petitioner was present.

There were no objections.

It was moved by Houck, supported by Kelley, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, provided adequate footing as determined by the Building Commissioner is provided, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Motion carried by unanimous vote.

An appeal by Mrs. Gaylia Wade to erect a detached garage 45 feet from front property line and 4 feet from side lot line, ordinance requiring set-back of 60 feet from front property line for detached garage and requires 10% width of lot for side yard at 939 Justamere, was considered.

The petitioner was present.

Carl Throop, 945 Justamere; E. R. Beck, 1027 Justamere; Albert Sodaberg, 6900 Georgia; George Springer, 1014 Justamere; all appeared in favor of the petition supporting the petitioner's statement that this variance is necessary due to the location of the storm sewer and septic tank on the property.

There were no objections.

It was moved by Goldstein, supported by Mutz, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty due to location of storm sewer and septic tank.

Adopted by unanimous vote.

An appeal by Edward Schlienzy to convert an open front porch into a vestibule entrance, ordinance not permitting building beyond established set-back line at 1009 Cleo Street, was considered.



The petitioner was present and explained how the roof line of the enclosure would tie into the roof line of the house.

There were no objections.

It was moved by Houck, supported by Rasmusson, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, provided adequate footing as determined by the Building Commissioner is provided, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by unanimous vote.

An appeal by Bud Kouts to erect an addition to non-conforming commercial building, ordinance not allowing alterations or additions to non-conforming uses at 2801 E. Michigan Avenue, was considered.

Bud Kouts was represented by Joe Iding, Office Manager, who explained that the addition was for the servicing and conditioning of used cars. It was pointed out that this is a non-conforming light industrial use.

Mrs. Helen Mittelsdorf, 204 N. Howard Street, stated that she would be opposed to reduction in the yard area along Howard Street as it may adversely effect the residential properties on Howard Street.

There were no further objections.

It was moved by Goldstein, supported by Kelley, that the appeal be not granted since no hardship was shown and the Board does not have authority to grant the appeal.

Adopted by unanimous vote.

An appeal to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open front porch, ordinance not permitting building beyond established set-back line at 3812 S. Logan Street was considered.

The petitioner was present.

There were no objections.

It was moved by Kelley, supported by English, that the appeal be granted, under (6), Section 36-12 of the Lansing Zoning Ordinance, provided adequate footing as determined by the Building Commissioner is provided, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by unanimous vote.

An appeal to erect a vestibule entrance to front of house beyond established set-back line, ordinance not permitting building beyond established set-back line at 326 S. Logan was considered.

The petitioner was present and his builder Henry Therouh stated that a building permit had been issued but construction was stopped because of the enclosure projecting into the front yard area.

There were no objections.

It was moved by Houck, supported by Rasmusson, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, provided adequate footing as determined by the Building Commissioner is provided, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by unanimous vote.

An appeal by Russell Kassouff to erect an addition to the North side of the building reducing side yard to 1 foot, ordinance requiring a side yard of 4 feet at 334 S. Butler, was considered.

The petitioner was present and stated that it is his intention to build a solid block wall on the north of the property. He also agreed that he would not construct the addition to block the window of the adjoining property.

There were no objections.

It was moved by Houck, supported by Kelley, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty and permit better use of this commercially zoned property and provide needed storage space.

Adopted by unanimous vote.

An appeal by Anthony Nosal to erect an addition to legal "E-2" Drive-In Shop use building on non-conforming "D-1" Professional Office Use property, reduce west side yard of "E-2" to 0 feet and reduce all east side yards of "D-1" to 0 feet to permit addition to gas station and office building to join, ordinance requiring 10% side yard in "D-1" Professional Office District and "E-2" Drive In Shop District and does not permit gas station in "D-1" Professional Office District at 2200-2208 W. Holmes Road, was considered.

The petitioner was present and was represented by Attorney John Eliasohn who explained the difficulty in the zoning of this property as well as their desire to join a commercial and professional office building on property zoned for professional offices. He stated that this matter was before the court and that it had been suggested that they first seek relief through the Board of Appeals.

It was moved by Houck, supported by Mutz, that the appeal be not granted because the Board has no authority to grant this appeal.

Adopted by unanimous vote.



An appeal by Frank Noeker to convert an open front porch into an enclosed porch extending beyond established set-back line but no further than present open porch, ordinance not permitting building beyond established set-back line at 214 S. Clemens Street, was considered.

The petitioner was present.

There were no objections.

It was moved by Mutz, supported by Rasmusson, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, provided adequate footing as determined by the Building Commissioner is provided, to relieve a practical difficulty as it will not adversely affect the adjoining properties.

Adopted by unanimous vote.

An appeal by Beulah Cross to erect a new house reducing rear yard from 30

feet to 10 feet, ordinance requiring 30 feet rear yard at the S. W. corner Hampshire Road & Hampshire Circle, was considered.

The petitioner was present and explained the difficulty in locating a house on this odd shaped lot.

There were no objections.

It was moved by Rasmusson, supported by Kelley, that the appeal be granted under (6), Section 36-12 of the Lansing Zoning Ordinance, to relieve a practical difficulty due to the shape of the lot.

Adopted by unanimous vote.

The meeting adjourned at 10:15 P.M.

VICTOR G. LEYRER,  
Secretary.

B/C